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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,321	03/26/2001	Barry Lynn Royer	2001P07411 US01	8855

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Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,321

Applicant(s)

ROYER ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-24 are pending.

Response to Arguments

2. Applicant's arguments, see pages 10-19, filed 1/19/06, with respect to the rejection(s) of claim(s) 1-24 under Gupta have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gupta-Zhao.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-24 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-3,5-7,10-12,15-19 of copending Application No. 09/817,311.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

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The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

(‘311)1. (Currently Amended) A system employed by a first application for supporting concurrent operation of a plurality of network compatible applications, comprising: an entitlement processor for authorizing user access to said first application in response to validation of user identification information; and a communication processor for initiating operation of a session identifier particular to a user initiated session and for use by a plurality of concurrent operating applications to uniquely identify said user initiated session and an encryption key for use by said first application in encoding personal record parameter conveyed in URL data in response to validation of user identification information wherein said communication processor communicates additional parameters to a managing application for storage, said additional parameters including one or more of (a) an authentication service identifier (b) a language identifier; (c) a URL to direct a browser to a starting application upon termination of a session. (d) a URL for use in acquiring a web page providing a logon menu to support user initiation of another session. (e) a URL to be contacted upon a predetermined event and (f) an identification of a type of said predetermined event.

(Application) 1. A method used by a first application for supporting concurrent operation of a plurality of network compatible applications comprising the steps of:

- receiving user identification information;
- initiating authentication of said user identification information;
- communicating a URL to a managing application for storage, said URL being for use in acquiring a web page providing a logon menu to support user access to a plurality of different applications individually requiring user logon in response to said authenticated user identification information;
- in response to automatic logon to said particular application via said single logon menu.
- automatically communication application specific context information to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application;

(claim 3) (a) an authentication service identifier (b) and (e) user identification information; a language identifier; (c) a frame identifier identifying a browser frame to be used; (d) a timeout value

It was clearly that the predetermined event (in ‘311) is a time out value (in current application).

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al [Gupta, 6,868,448 B1] in view of Zhao [6,035,404].

3. As per claim 1, Gupta discloses a method used by a first application for supporting concurrent operation of a plurality of network compatible applications comprising the steps of:

receiving user identification information [Gupta, client's login information, col 12 lines 37-60];

initiating authentication of said user identification information [Gupta, verify the client's login information, col 12 lines 37-65];

communicating a URL to a managing application for storage [Gupta, URL, col 11 lines 1-8;col 14 lines 4-11;col 18 lines 22-46], said URL being for use in acquiring a web

page providing a logon menu to support user access to a plurality of different applications individually requiring user logon in response to said authenticated user identification information [Gupta, Login services, verify the client, col 12 line 37-col13 line 14; resource table or menu, col 16 lines 4-22; authorized person, col 20 lines 1-12]; in response to automatic logon to said particular application via said single logon menu. [Gupta, a single login to access multiple applications, col 17 lines 45-52].

Gupta also discloses "communication application specific context information (i.e.: patient identifier) to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application" [Gupta, the properties file includes the name of channel, the owner or patient, col 15 lines 39-52]

However Gupta does not explicitly detail "automatically communication application specific context information to a particular application"

Zhao discloses a system and method for managing user logins to a restricted service including single user and multiple concurrent accounts or applications wherein a timeout value was set to be removed or automatic logoff [Zhao, col 6 lines 1-18].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the technique of using a single logon to automatic access to the various applications including any specific information by using a time out value as taught by Zhao into the Gupta's apparatus in order to utilize the single login process. Doing so would provide a simple, quick and efficient process to login to the network with a plurality of applications or specific application.

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4. Claims 8,15,20,21,23,24 contain the similar limitations set forth of apparatus claim 1. Therefore, claims 20,21,23,24 are rejected for the similar rationale set forth in claim 1.

5. As per claim 3, Gupta-ZHAO disclose the step of communicating additional parameters to said managing application for storage, said additional parameters including one or more of (a) an authentication service identifier [Gupta, an identification of protocol, col 12 lines 48-59]

(b) and (e) user identification information [Gupta, client login information, col 12 lines 37-47];

a language identifier [Gupta, determine request or language used to specify the information, col 14 lines 57-67];

(c) a frame identifier identifying a browser frame to be used [Gupta, identify the application software by name, col 14 lines 4-11]

(d) a timeout value [Zhao, time out value, col 6 lines 1-18];

receiving parameters from said managing application including one or more of, (i) a session identifier corresponding to a particular user logon initiation [Gupta, a cookie to track the client session, col 12 lines 37-47], (ii) a session key for use in encrypting or decrypting URL data [Gupta, Encryption technique, col 5 lines 3-12] and (iii) a parameter identifying success or failure of a request to establish a session [Gupta, error message, col 15 lines 9-30; col 16 lines 4-22].

6. As per claim 4, Gupta-ZHAO disclose said URL is for use in acquiring a web page providing a common logon menu to support user access to a plurality of different applications including said first application following termination of said first application and said application specific context information is communicated to said particular application in a data field of a URL [Gupta, an application locator can be expressed by a URL, col 17 lines 1-12].

7. As per claim 5, Gupta-ZHAO disclose said communicating step communicates a timeout value to said managing application for determining an inactivity period for triggering automatic logoff of at least one of a plurality of concurrently open applications [Zhao, time out value, col 6 lines 1-18].

8. As per claim 6, Gupta-ZHAO disclose the steps of communicating an authentication service identifier to said managing application; and receiving a user identification code associated with said authentication service from said managing application [Gupta, the sandbox security model, col 10 lines 51-64; col 13 lines 29-35].

9. As per claim 7, Gupta-ZHAO disclose encrypting said URL and communicating an encoded URL to said managing application [Gupta, Encryption technique, col 5 lines 3-12].

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10. Claims 9-14 contain the similar limitations set forth of apparatus claims 2-7.

Therefore, claims 9-14 are rejected for the similar rationale set forth in claims 2-7.

11. As per claim 16, Gupta-ZHAO disclose said logon menu permits user entry of identification information including a user ID and password [Gupta, verify the client's login information, col 12 lines 37-65].

12. As per claim 17, Gupta-ZHAO disclose said logon web page URL address is conveyed from said first application to said second application following communication of said URL address to a managing application and retrieval of said URL address from said managing application by said second application [Gupta, URL, col 11 lines 1-7; col 14 lines 4-11; 56-67; proxy services, col 17 lines 14-52].

13. As per claim 18, Gupta-ZHAO disclose said logon web page URL address is conveyed from said first application to other applications of said plurality of Internet compatible applications following activation of said other applications [Gupta, compatible LAN, col 8 lines 50-65].

14. As per claim 19, 22 Gupta-ZHAO disclose said logon menu is provided for logon in at least one condition of, (a) initial logon, (b) upon logoff from a session of activity (c) a termination condition arising from an error condition and (d) upon time-out condition arising due to inactivity of said second application [Gupta, the user will be notified the

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application is being obtained and re-request may be performed or detected logoff condition, col 15 lines 30-62].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al [Gupta, 6,868,448 B1] in view of Zhao [6,035,404] and further in view of Soong [6,941,271 B1].

15. As per claim 2, Gupta-ZHAO disclose said plurality of different applications individually require different user logon information (i.e.: user ID); and including the step of automatically using said URL to acquire data representing said web page providing a single logon menu in response to a detected logoff condition [Zhao, col 6 lines 1-18].

However Gupta-Zhao does not explicitly detail "said application specific context information comprises a patient identifier"

Soong discloses a system and method for managing the records using access Rules based on a login ID web page, the individual's login ID and the name of patient (i.e.: patient ID) [Soong, col 6 lines 14-60].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the technique of associate the login ID web page

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with user ID and patient ID as taught by Soong into the Gupta-Zhao apparatus in order to utilize the login process. Doing so would provide an innovative technique to allow ready, secure access to a patient's care history [Soong, col 1 lines 52-67]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Thong', with a long horizontal stroke extending to the right.